For the Northern District of California

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7	IN THE LINITED STAT	ES DISTRICT COLIRT
8	IN THE UNITED STATES DISTRICT COURT	
9	FOR THE NORTHERN DISTRICT OF CALIFORNIA	
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11	FREDERICK SCHIFF,	No. C-03-4345 MMC No. C-04-2261 MMC
12	Plaintiff,	No. C-04-2262 MMC
13	V.	ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
14	CITY AND COUNTY OF SAN FRANCISCO, et al.,	RECOMMENDATION; VACATING DISMISSAL ORDERS; GRANTING IN
15 16	Defendants.	PART AND DENYING IN PART GILLESPIE PLAINTIFFS' MOTION TO
17	NARDA GILLESPIE et al.,	COMPEL MARK SULLIVAN TO EXECUTE SETTLEMENT AGREEMENT
18	Plaintiffs,	AND FOR EQUITABLE DISTRIBUTION OF SETTLEMENT PROCEEDS;
19	V.	GRANTING DEFENDANTS' MOTION TO ENFORCE SETTLEMENT AGREEMENT;
20	CITY AND COUNTY OF SAN FRANCISCO,	DENYING DEFENDANTS' MOTION FOR ATTORNEYS' FEES AND COSTS
21	et al.,	AGAINST MARK SULLIVAN
22	Defendants.	(Docket Nos. 198 and 203 in Case No.
23	MARK OSUNA,	C-03-4345; Docket Nos. 133 and 138 in Case No. C-04-2261)
24	Plaintiff,	
25	V.	
26	CITY AND COUNTY OF SAN FRANCISCO,	
27	et al., Defendants.	
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On July 12, 2007, Magistrate Judge Joseph C. Spero issued a report and recommendation with respect to the following motions: (1) the motion filed March 23, 2007, in case No. C-04-2261, by plaintiffs Narda Gillespie, Donald Woolard, Michael Zurcher, Dennis Quinn, Michael Hughes, Gregory Mar, and Tom Feledy ("Gillespie plaintiffs"), titled "Application for an Order to Show Cause Compelling Mark Sullivan to Execute the Settlement Agreement or in the Alternative an Order Affirming the Settlement Agreement; and an Order for Equitable Distribution of Proceeds Pursuant to Award of Arbitrator in the Absence of an Agreement, or in the Alternative, for a Settlement Conference" ("Gillespie Motion"); (2) the motion filed March 26, 2007, in Case No. C-03-4345, by defendant City and County of San Francisco ("City"), titled "Motion to Enforce Settlement Agreement Against Plaintiff Mark Sullivan" ("City's Motion to Enforce"); and (3) the motion filed May 23, 2007, in Case No. C-03-4345, by the City, titled "Motion for Attorneys' Fees and Costs Against Plaintiff Mark Sullivan" ("City's Sanctions Motion"). Pursuant to 28 U.S.C. § 636(b)(1), any objections thereto were required to be filed within ten days. To date, no objections have been filed.

Having reviewed the matter de novo, the Court, for the reasons expressed therein, hereby ADOPTS the report and recommendation.

Accordingly,

- 1. The orders dismissing the three above-titled actions are hereby VACATED and the instant actions are hereby restored to the Court's calendar.
- 2. The Gillespie Motion is hereby GRANTED to the extent the Gillespie plaintiffs seek an order enforcing the settlement agreement; the City's Motion to Enforce also is hereby GRANTED. Plaintiff Mark Sullivan is hereby ordered to execute the settlement agreement within fourteen days of the date of this order.
 - 3. In all other respects, the Gillespie Motion is hereby DENIED.
 - 4. The City's Sanctions Motion is hereby DENIED.
- 5. The parties are hereby directed to notify the Court within seven days of approval of the settlement by the appropriate agencies. When such notification is received, the

Court will dismiss the instant actions with prejudice.

- 6. If the appropriate agencies do not approve the settlement, the parties shall appear for a case management conference on January 11, 2008 at 10:30 a.m., and shall file a joint case management statement in each of the above-titled actions no later than January 4, 2008. If approval of the settlement is still pending at that time, the Court will, upon motion by any party, grant a continuance of the case management conference.
- 7. If plaintiffs wish to participate in a settlement conference before Magistrate Judge Spero with respect to resolving their disputes regarding distribution of the settlement proceeds, plaintiffs shall contact Magistrate Judge Spero's chambers.

This order terminates Docket Nos. 198 and 203 in Case No. C-03-4345; Docket Nos. 133 and 138 in Case No. C-04-2261.

IT IS SO ORDERED.

Dated: August 8, 2007

United States District Judge